

DETAILED ACTION

1. Claims **1-23** are presented for Examination.

Priority

2. A reference to the prior application No. **60/478,287**, filed on June 13, 2003; application No. **60/432,472**, filed on December 11, 2002; and application No. **60/443,894**, filed on January 30, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Application No. **60/448,705**; Application No. **60/457,179**; Attorney Docket No. **14185US02**; and Attorney Docket No. **14274US02**) are disclosed in paragraph [02], incorporated reference (Application No. **60/448,705**) is disclosed in paragraph [36] of the specification.

Specification

4. The disclosure is objected to because of the following informalities: The Serial Numbers (US Patent Application Numbers) are missing in paragraph [02] of the Incorporated by Reference section. Appropriate correction is required.

Drawings

5. The drawings are objected to because figure letter 'C' of Figure 5 is labeling an incorrect location as mentioned in the specification. According to paragraph [65] of the specification, step 'C' should be labeling where 'the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim **1-23** rejected under 35 U.S.C. 103(a) as being unpatentable over **Barness et al.** (US PG Pub 2003/0115585) in view of **Lu** (US Pat 7,065,778).

With respect to Claim **1**, the claimed "accepting from a first user information identifying a least a second user" is met by Barness et al. that teach a 1st user, receiver **104**, using a group identification (ID) entry **414** in a record **400** to allow selective communication of viewership information to a 2nd user, receiver **104_N** (Fig.1 & 4; paragraphs [0028], [0032], & [0047-0049]). The claimed "receiving from the first user at least one user-selected characteristic associated with media" is met by Barness et al. that teach a first user, receiver **104**, sending an individual viewership record **400**, containing a channel entry **402** with a particular channel code, to a media provider **102** (Fig.1 & 4, paragraphs [0028] & [0047]).

The claimed "processing a media request from the first user via a communication network, the requested media having a pre-defined set of characteristics" is not explicitly disclosed by the Barness et al. reference. However, in the same field of

endeavor, Lu teaches a system in which a first user, PVR **200**, obtains an electronic programming guide (EPG) from the Internet **302** and requests a specific television show that is not available to them from an EPG server computer **304** (Fig. 3 & 5; col.6, lines 39-50; and col. 9, lines 5-15). It is inherent that an EPG contains a set of characteristics used in identifying media, at the very least a title & a time period.

It would have been obvious to one skilled in the art at the time the invention was made to have combined the exchange of viewer profile information from a 1st user to a 2nd user as taught by the Barness et al. reference with the system of receiving television programming being broadcast in remote locations throughout the world as taught by Lu in order to allow a 1st user to exchange viewer profile information with a 2nd user at a remote location. A person of ordinary skill in the art would have been motivated to make such a modification to the Barness et al. reference in order to permit the exchange of viewer profile information to a wider audience of users.

The claimed "notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic" is met by Barness et al., as modified by Lu, that teach the delivery of an individual viewership record **400** from a 1st user to a 2nd user only if the 2nd user is associated with the group identification (ID) stored in the group ID entry **414** of the viewership record (paragraphs [0048] & [0049]).

The claimed "refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if

the pre-defined set of characteristics for the requested media does not match the at least one user-defined characteristic" is met by Barness et al., as modified by Lu, that teach the use of a group ID stored in the group ID entry **414** of the viewership record **400** in determining where or not a 2nd user receives the viewership record, as previously discussed above.

With respect to Claim **2**, the claimed "wherein each of the first user and the at least a second user are associated with at least one of an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number (ESN)" is met by Lu that teaches a 1st user (PVR **200**) and a 2nd user (PVR **200A**) having Internet Protocol (IP) addresses (col.10, lines 10-15 & lines 31-35)

With respect to Claim **3**, the claimed "the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure" is met by Lu that teaches the use of the Internet **302**, coaxial cable, copper wire, fiber optics, wireless network, etc. coupling the devices of network **300** (col.2, lines 13-22; col.6, lines 39-54, lines 62-64; and Fig.3&4).

With respect to Claim **4**, the claimed "wherein the communication network is the Internet" is met as previously discussed with respect to claim 3 above.

With respect to Claim **5**, the claimed "wherein the requested media comprises at least one of audio, a still image, video, real time video, and data" is met by Barness et al. that teach in part the method of claim 1 where the programs being received by a

receiver **104** include 'pay-per-view movies, view-on-demand movies, broadcast television, network channels, syndicated channels and the like' (paragraph [0028]).

With respect to Claim **6**, the claimed "wherein consumption comprises at least one of playing audio, displaying a still image, displaying video, and displaying data" is met by Barness et al. that teach the use of a display device **204** and/or peripheral devices **206** in order to properly communicate information from the provider **102** to a user via the receiver **104** (Fig.2 and paragraphs [0034] & [0035]).

With respect to Claim **7**, the claimed "wherein the information identifying at least a second user comprises a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and an electronic serial number" is met by Barness et al that teach the use of a group identifier (ID) **414** in an individual viewership record **400** in identifying at least a second receiver **104** (Fig.4; paragraphs [0046] & [0048]).

With respect to Claim **8**, the claimed "wherein at least one user-defined characteristic comprises at least one of a title keyword, a subject keyword, a time period, a genre, an artist, a media channel type, a mode, and a language" is met by Lu that teaches the use of an EPG in requesting media (Fig. 3 & 5; col.6, lines 39-50; and col. 9, lines 5-15). It is inherent that an EPG contains a set of characteristics used in identifying media that at the very least includes items such as a title & a time period.

With respect to Claim **9**, the claimed "wherein the notifying comprises transmitting a message via the communication network" is met by Barness et al. that teach the use of graphical user indicators integrated in the guide program **240** or

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displayed concurrently with the incoming video program (Fig. 2&11; paragraphs [0042] & [0069]).

With respect to Claim **10**, the claimed “keeping a record of the notifying; and the record being used by the second user to provide at least one of services and incentives to the first user” is met by Lu that teaches a second personal video recorder, PVR **200A**, receiving a request from EPG server **304**, keeping a record of this request on its programmable task list, and using this record to record request video and transmitting it to the requesting party, PVR **200**, when the video has been recorded (Fig.3; paragraph 10, lines 10-38).

Claim **11** is met as previously discussed with respect to claim 1.

Claim **12** is met as previously discussed with respect to claim 5.

Claim **13** is met as previously discussed with respect to claim 8.

Claim **14** is met as previously discussed with respect to claim 8.

Claim **15** is met as previously discussed with respect to claim 3.

Claim 16 is met as previously discussed with respect to claim 1. Furthermore, Lu teaches in part the system of Claim 16, wherein a 1st set top box (PVR **200**) having a data storage device **218** requests a video program from a 2nd set top box (PVR **200A**) also having a data storage device **218**, with the assistance of an EPG server **304** that locates a requested a video program by using EPG data sent from the 1st user (Fig.3; and col.9, lines 5-26).

Claim **17** is met as previously discussed with respect to claim 5.

Claim **18** is met as previously discussed with respect to claim 2.

Claim **19** is met as previously discussed with respect to claim 6.

Claim **20** is met as previously discussed with respect to claim 3.

With respect to Claim **21**, the claimed “wherein the server software is at a location separate from the first home and the second home” is met by Lu that teaches an EPG server **304** at a location separate from PVR **200** and PVR **200A** (Fig.3; col. 6, lines 39-54; & col.9, lines 5-26).

With respect to Claim **22**, the claimed “wherein the at least one media characteristic comprises at least one of a title keyword, a subject keyword, a genre, an artist, a time period, a media channel type, a mode, and a language” is met by Lu that teaches the use of an EPG server **304** in determining if a requested video program, from a 1st user PVR **200** (sending EPG data containing at least a title and a time period), matches that of the programming being transmitted to a 2nd user, PVR **200A** (Fig.3; col.6, lines 45-54; & col.9, lines 5-26).

Claim **23** is met as previously discussed with respect to claim 8.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gutta et al. (US PG Pub US 2003/0066068) teaches a method of recommending T.V. programs by combining a user's profile with a 2nd user's profile; such as that of a friend, family member, or others.

Finseth et al. (US Patent 6,813,775) teaches a method of sharing user preference information among a 1st user and a 2nd user.

Murphy et al. (US PG Pub 2004/0250285) teaches a system in which two-way communication among set-top boxes can be conducted using text, audio, and/or video messages.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 8660217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge Mendoza/
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